

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicant basically:

1. Editorially amends the specification.
2. Amends claims 1 and 3.
3. Adds new claims 9-19.
4. Respectfully traverses all prior art rejections.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend.

**B. ALLOWABLE SUBJECT MATTER**

Applicant appreciates that claims 7 and 8 are indicated to be allowable.

**C. DISCUSSION CONDUCTED**

Applicant expresses appreciation to the Examiner for clarifying the rejection with the Applicant's representative on September 4, 2008.

**D. CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

Applicant appreciates the Examiner for indicating that the referenced cited in the Information Disclosure Statements submitted on June 2, 2006 and March 13, 2007 have been considered.

**E. SCOPE OF CLAIMS NOT ALTERED**

Claims are amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same.

**F. § 102 REJECTION – ZETTNER ET AL.**

Claims 3, 4, and 6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Zettner et al. (U.S. Patent 5,617,937). *See Office Action, pages 2-3.* Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Zettner et al. fails to disclose or suggest all claimed features. Zettner et al. is directed toward a rotation preventing device for a plastic cage in a clutch. As illustrated in Fig. 1 of Zettner et al., the clutch includes locking rollers 3 arranged around a circumference between an outer bush 1 and an inner bush

2. The locking rollers 3 are retained in a plastic cage 4 which comprises axially adjacent end rings 15. The end rings 15 are integrally connected to each other by a plurality of circumferentially spaced crossbars 16 as seen in Fig. 2. On the inner portion of the ring 15, radial projections 19 are formed. These radial projections prevent the plastic cage 4 from rotating relative to the inner bush 2. *See also Fig. 4.*

The Office Action alleges that the radial projections 19 are equivalent to the engagement portion as claimed. *See Office Action, page 3, lines 1-2.* The Office Action also alleges that the radial portion 19 terminates at an inner axial edge of the ring 15. In other words, the Office Action alleges that the projection 19 is not formed on the entire width of the ring 15. This is contrary to the disclosure of Zettner et al.

First, Fig. 4 clearly indicates that the radial projection 19 runs the entire width of the ring 15. Further, Zettner et al. indicates that the radial projection 19 extends radially inward beyond the end rings. *See e.g., column 3, lines 18-19.* According to Zettner et al., this allows the load on the radial projection to be uniformly distributed over its entire axial length so that high local loading does not occur. *See e.g., column 3, lines 29-31.* Thus, contrary to the Examiner's allegation, the radial projection does not terminate at the inner axial edge of the ring.

Since the radial projections 19 runs the entire width of the ring 15, then no other inner peripheral surface can be provided. That is, Zettner et al. does

not teach or suggest the feature of “a non-engagement inner peripheral surface which is not engaged with the inner ring is formed on an inner peripheral surface of the other annular portion and part of each of the pillar portions located on the one annular portion side.” It logically follows that Zettner et al. also cannot teach or suggest the feature of “the non-engagement inner peripheral surface is located outside a circle larger by a specified size than a circumcircle of the engagement portion.”

Due to at least the above stated reasons, independent claim 3 is distinguishable over Zettner et al. Claims 4 and 6 depend from independent claim 3 and recite further distinguishing features. Therefore, these dependent claims are also distinguishable over Zettner et al.

Applicant respectfully requests that the rejection of claims 3, 4, and 6 based on Zettner et al. be withdrawn.

**G. § 103 REJECTION – ZETTNER ET AL.**

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,617,937 to Zettner et al. *See Office Action, page 3.* Applicant respectfully traverses.

The Office Action alleges that the structure of these claims differ from Zettner et al. in that the engagement portions engage the inner ring of the clutch rather than the outer ring. The Office Action also alleges that it would have been obvious to reverse the configuration of the device of Zettner et al. to

have the engagement portion of the retainer situated to engage the outer ring rather than the inner ring. One implication of the statement made in the Office Action is that claims 1, 2 and 5 differ from claims 3, 4 and 6 only in the configuration of the engagement and non-engagement portions. Applicant does not necessarily agree with this implication.

However, even assuming *arguendo* that reversal of the configuration can occur, simply reversing the configuration of Zettner et al. cannot arrive at the features recited in claims 1, 2 and 5. For at least this reason, Claims 1, 2 and 5 are distinguishable over Zettner et al.

Applicant respectfully request that the rejection of claims 1, 2 and 5 based on Zettner et al. be withdrawn.

**H. § 103 REJECTION – LEDERMAN ET AL., GEHRKE, STARK ET AL.**

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,152,726 to Lederman et al. in view of either U.S. Patent 3,937,312 to Gehrke or U.S. Patent 4,915,201 to Stark et al. *See Office Action, page 4.* Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142;*

*M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Claim 1 recites, in part “an engagement portion to be engaged with an outer ring is formed on an outer periphery of at least one annular portion of the two annular portions” and “a non-engagement outer peripheral surface which is not engaged with the outer ring is formed on an outer peripheral surface of the other annular portion.” The Office Action alleges that the upper side rails 40 and the sloped reaction faces 46 of the roller clutch disclosed in Lederman et al. The Office Action also alleges that the same upper side rails 40 is equivalent to the non-engagement outer peripheral surface as recited.

Since the same upper side rails 40 cannot both be engaging and non-engaging at the same time, Applicant’s representative contacted the Office to receive clarification regarding this point as well as to receive clarification on other aspects of the rejection. Referring to FIG. 3 of Lederman et al., the Office explained that the upper side rails 40 on the lower portion of the figure was taken to be a part of the engagement portion and the unreferenced rail on the upper side of the figure as being the non-engagement portion. Even with this clarification, Lederman et al. along with Gehrke or Stark et al. still does not render the claims obvious.

Going back to FIG. 3 of Lederman et al., it is noted that the sloped reaction face 46 extends all the way to the upper side of the cage 34 including the unreferenced rail portion. As noted above, the Office Action alleges that the

upper side of FIG. 3 is equivalent to the non-engagement portion. However, Lederman et al. clearly indicates that the sloped reaction face 46 engages with the cam surface 32 of the upper cam 24, and particularly to the cam hook 30 of the upper cam race 24. That is, the engagement portion runs the entire width of the cage 34.

Also in Fig. 3, one annular portion, i.e., the lower portion having the sloped configuration in the upper side rail 40 is an engagement portion, while the other annular portion, the reaction face 46 disposed on the upper side portion in the upper side rail 40 is also an engagement portion. Accordingly, contrary to the allegation made in the Office Action, the non-engagement portion is **neither** disclosed **nor** taught in Lederman et al. as apparent from Figs. 3 and 4 of Lederman et al.

Further, Lederman et al. clearly specifies that the reaction faces 46 are disposed at the greatest radius of the cage 34. In the same manner, the upper side rail 40 also is at the greatest radius of cage 34. *See column 4, lines 33-37.* It then logically follows that the circumcircle of the reaction faces 46 and the upper side rail 40 are equivalent to each other. In other words, Lederman et al. does teach or suggest the features of the non-engagement outer peripheral surface being located inside a circle smaller than a specified circle smaller than a circumcircle of the engagement portion. Neither Stark et al. nor Gehrke can be relied upon to correct at least the noted above noted deficiencies of Lederman et al.

Therefore, independent claims 1 and 3 are distinguishable over the combination of Lederman et al. and Gehrke and over the combination of Lederman and Stark et al. Claims 2 and 4-6 depend from independent claims 1 and 3, directly or indirectly, and recite further distinguishing features. Therefore, the dependent claims are also distinguishable over Lederman et al. and Gehrke and distinguishable over Lederman et al. and Stark et al.

Applicant respectfully request that the rejection of claims 1-6 based on Lederman et al. and Stark et al. and based on Lederman et al. and Gehrke be withdrawn.

#### **I. NEW CLAIMS**

Claims 9-19 are added through this reply. All new claims are distinguishable over the cited references, individually or in any combination. Claims 9-17 depend from independent claims 1 or 3 and it is demonstrated above that claim 1 and 3 are allowable over the cited references. Due to the dependencies thereon as well as on their own merit, the dependent claims 9-17 are also distinguishing over the cited references.

Independent claim 18 recites, in part “the second annular portion has an outer peripheral surface whose shape is a regular polygon in its cross section”, “the first annular portion has an outer peripheral surface whose shape is a cylinder in its cross section”, and “the outer peripheral surface of the first annular portion lies inside a circumcircle of the outer peripheral surface of the



second annular portion.” Independent claim 19 recites, in part “a shape of the first inner peripheral surface shape is a cylinder in its cross section”, “a shape of the second inner peripheral surface shape is a regular polygon in its cross section”, and “the first inner peripheral surface lies outside a circumcircle of the second inner peripheral surface.” Applicant respectfully submit that the cited references, individually or in any combination, do not teach or suggest these features.

Applicant respectfully requests that the new claims be allowed.

#### **J. CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

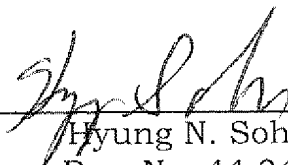
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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